

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

LUIS ALBERTO CRUZ,

Defendant.

Hon. Phillip J. Green

Case No. 1:20-mj-00145

ORDER OF DETENTION

This matter is before the Court on the government's motion for pretrial detention. Defendant has been charged by way of Criminal Complaint. The Complaint charges him with conspiracy to distribute and possess with intent to distribute methamphetamine in violation of 21 U.S.C. §§ 846, 841 (a)(1) and (b)(1)(A); and with aiding and abetting, in violation of 18 U.S.C. § 2. Given the nature of the charges, there is a statutory rebuttable presumption in favor of detention.

The government sought defendant's detention on the basis the he is a danger to the community, 18 U.S.C. § 1342(f)(1), and that he poses a risk of non-appearance, 18 U.S.C. § 3142(f)(2)(A). The Court conducted a hearing on May 12, 2020, at which defendant was represented by counsel.

Having considered the information presented at the hearing, the parties' oral submissions, and the information in the Pretrial Services Report, and for the reasons stated on the record, the Court finds that defendant has rebutted the presumption of

detention regarding risk of non-appearance, but he has not rebutted the presumption regarding danger to the community. The Court also finds, as explained on the record, that the government has sustained its burden of proving, by preponderant evidence, that defendant poses a significant risk of non-appearance and, by clear and convincing evidence, that he is a danger to the community. Further, the Court finds that there is no condition or combination of conditions of release that will ensure the safety of the community or the appearance of the defendant. Accordingly,

IT IS ORDERED that defendant is committed to the custody of the Attorney General pending trial.

DONE AND ORDERED on May 12, 2020.

Date May 12, 2020

/s/ Phillip J. Green
PHILLIP J. GREEN
United States Magistrate Judge